

Appl. No.: 09/916,087
Amendment dated March 31, 2008
Reply to Office Action of November 27, 2007

III. REMARKS

Applicant offers the following remarks in response to the Non-Final Office Action mailed November 27, 2007.

A. STATUS SUMMARY

Claims 1-7 and 12-18 are pending in the present application. Claims 8-11 have been previously cancelled. Claims 19-21 have been added. Accordingly, claims 1-7 and 12-21 are pending.

B. SPECIFICATION

The specification was objected to because of informalities. The specification has been amended to correct the informalities and the objection should be withdrawn.

C. CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1, 3-7, 15, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,125,135 to Woo et al. (hereinafter "Woo") in view of U.S. Patent No. 5,185,610 to Ward et al. (hereinafter "Ward") and further in view of the Axiom Navigation, Inc. document entitled "Sandpiper/Avocet Evaluation Kit User Guide", June 2000 (hereinafter "Axiom"). Applicant respectfully traverses.

Claim 1 has been amended to correct minor typographical errors. No new matter has been added. Claim 1 recites, among other things, an IF active filter. The Office Action mailed November 27, 2007, appears to assert that this element is found within the Ward reference. However, the Applicant has reviewed the cited sections and elements of Ward and finds no teaching or suggestion that the filter elements within the Ward reference are active filters. The Office Action then asserts that it would be obvious to configure the filters of Woo as an active

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filter type for a variety of reasons without identifying an active filter within the cited references. If the Patent Office is taking Official Notice, then the Patent Office must provide actual evidence in its support. MPEP § 2144.03. Without a showing of an active filter arranged as required by claim 1 within the cited references and without actual evidence of the assertions within the Office Action mailed November 27, 2007, the rejection of claim 1 should be withdrawn.

Claims 3-7, 15, and 17 depend, either directly or indirectly, from claim 1. Accordingly, the rejection of claims 3-7, 15, and 17 should be withdrawn for at least the same reasons as claim 1. Applicant respectfully submits that claims 1, 3-7, 15, and 17 are in condition for allowance and notice of the same is requested at the earliest possible date.

Claims 2 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Woo in view of Ward and further in view of Axiom and further in view of U.S. Patent No. 6,359,940 to Ciccarelli et al. (hereinafter "Ciccarelli"). Applicant respectfully traverses.

Claims 2 and 16 depend, either directly or indirectly, from claim 1. Accordingly, the rejection of claims 2 and 16 should be withdrawn for at least the same reasons as claim 1. Applicant respectfully submits that claims 2 and 16 are in condition for allowance and notice of the same is requested at the earliest possible date.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Woo in view of Ward and further in view of Axiom and further in view of U.S. Patent Application Publication No. US 2003/01532289 A1 to Hughes et al. (hereinafter "Hughes"). Applicant respectfully traverses.

Appl. No.: 09/916,087
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Claim 18 depends directly from claim 1. Accordingly, the rejection of claim 18 should be withdrawn for at least the same reasons as claim 1. Applicant respectfully submits that claim 18 is in condition for allowance and notice of the same is requested at the earliest possible date.

D. CLAIM OBJECTIONS AND NEW CLAIMS

Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully traverses.

Claims 12-14 depend, either directly or indirectly, from claim 1. Accordingly, the objection of claims 12-14 should be withdrawn at least because claim 1 is allowable over the cited references. Applicant respectfully submits that claims 12-14 are in condition for allowance and notice of the same is requested at the earliest possible date.

However, in order to expedite allowance of the present application, claims 12-14 have been rewritten as new claims 19-21 in independent form including all of the limitations of the base claim 1 and any intervening claims, and are now in condition for allowance. No new matter has been added. Applicant respectfully submits that claims 19-21 are in condition for allowance and notice of the same is requested at the earliest possible date.

Appl. No.: 09/916,087
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IV. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

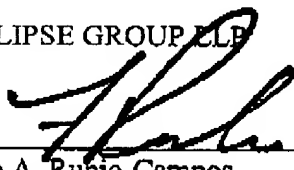
Although it is believed that no fees are due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542.

Respectfully submitted,

THE ECLIPSE GROUP LLP

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By:


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